

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JONATHAN REDFERN and)
 MARGARET REDFERN, individually and)
 as husband and wife, and as next friend)
 of their minor children;)
)
 Plaintiffs,)
)
 v.)
)
 TRANSAMERICA MOVING, INC.,)
 et al.)
)
 Defendants.)
 _____)

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JUL 29 2009	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

Case No.: 3:09-cv-00317

ORDER DIRECTING
TURNOVER

FILED	RECEIVED
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COUNSEL/PARTIES OF RECORD	
JUL 29 2009	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

ORDER

This matter came before the Court on a status hearing concerning Plaintiffs Jonathan and Margo Redfern's Motion for Preliminary Injunction. (#16) Defendant Transamerica Moving, Inc. appeared by its attorneys. At the status conference on July 28, 2009 the Court heard arguments of counsel on the turnover relief requested in the motion. The Court requested that parties reach agreement concerning the turnover timing and procedures. The Court set this matter for entry of the turnover order on July 29, 2009 at 10:00 a.m. in the event that the parties were unable to agree concerning additional sums, if any, to be paid by Plaintiffs to the Clerk of the Court and held pending further order of this Court. The parties failed to reach agreement on the amount of payment, if any, to the Clerk

of the Court, but agreed that turnover would commence at 1:00 p.m. on July 29, 2009 at Riverwood Apartments and Self-Storage and/or Kuenzli Self-Storage, that Plaintiffs would provide moving trucks and moving personnel and that Transamerica Moving, Inc. was entitled to have a representative present as goods were removed from the Kuenzli Street storage facility and at weighing of the truck(s). Plaintiffs request that the Transamerica representative should be allowed to observe and inventory but not interfere with the turnover process and weighing or seek to intimidate Plaintiffs, their representatives, and/or their moving crew and should not follow the trucks to any Redfern storage facility. Transamerica requests that Plaintiffs cooperate with reasonable requests by concerning the inventory process.

GOOD CAUSE APPEARING, IT IS ORDERED that Transamerica Moving, Inc. including its directors, officers, employees, agents, servants, attorneys and others acting in concert with them who have notice of this turnover order are ordered to permit Plaintiffs to remove their goods, furniture and other items placed by Transamerica Moving, Inc. at Riverwood Apartments and Self-Storage and/or Kuenzli Self-Storage located at 805 Kuenzeli street, Reno, Nevada. Transamerica Moving and Riverwood Apartments and Self Storage and/or Kuenzli Self Storage are ordered to unlock the unit and otherwise cooperate with the turnover and removal of Redfern goods, furniture, and other items. Plaintiffs shall cooperate with reasonable requests to the Transamerica representative concerning inventory but those requests shall not be used to interfere with timely

completion of turnover.

IT IS FURTHER ORDERED that the procedures governing turnover shall be as follows:

Turnover shall commence at 1:00 p.m. on July 29, 2009 at Riverwood Apartments and Self-Storage and/or Kuenzli Self-Storage. Plaintiffs will provide moving truck(s) and moving personnel. Transamerica Moving, Inc. is entitled to have a representative present at the Riverwood storage location and at weighing of the truck(s) . The Transamerica representative may observe and inventory but shall not interfere with orderly removal, loading, weighing or unloading or seek to intimidate Plaintiffs, their representatives, and/or moving crew. Transamerica Moving, Inc's representative shall not follow or cause the truck(s) to be followed to any Redfern new storage facility.

IT IS FURTHER ORDERED, that this order shall not be effective until Plaintiffs have deposited the additional sum, if any, of \$ 300⁰⁰ with the Clerk of this Court.

IT IS FURTHER ORDERED:

- a) Plaintiffs' Motion for Leave to File Amended Complaint is granted,
- b) All filing of further pleadings in this matter ~~is~~ ^{are} stayed until after completion of mediation which shall be directed by separate order.

IT IS SO ORDERED, DATED _____ 29th July, 2009.



Larry R. Hicks, United States District Judge

District of Nevada